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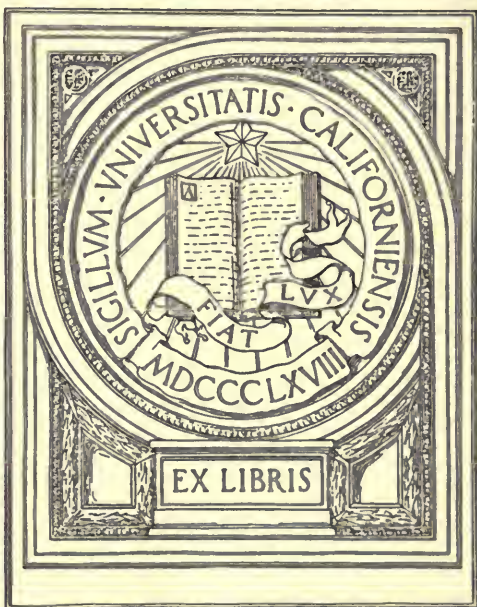
Letter to the Friends of Temper-
ance in the State of New York.

By

William Jay Haskett

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ROBERT ERNEST COWAN

A LETTER
TO THE
FRIENDS OF TEMPERANCE

IN THE

State of New York.

BY

WILLIAM JAY HASKETT.

AGAINST PROHIBITION, AND FOR A LICENSE LAW, BASED ON A
PECUNIARY POLICY.

NEW YORK :

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ADDITIONAL TO THE ABOVE
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TO THE

FRIENDS OF TEMPERANCE

IN THE STATE OF NEW YORK.



FOR thirty years past it has been my custom, whenever the cause of Temperance became mingled in the tumult of party strife, as the record will show, to beseech you to avoid all connection with political parties.

It is for this purpose that I now again address you.

A few years ago you were led, by some over-zealous and designing men, into the political arena, and you were then deluded with the hope that you might rest from your labors in the cause of Temperance, by the passage of a strong prohibitory law.

The most zealous among us honestly supposed, that if they possessed the strong arm of the law, and inquisitorial powers to destroy all liquor, that they could speedily eradicate drunkenness. They had forgotten that the *appetite* must be destroyed, and the moral energy of the man exalted, before a salutary reformation can be effected.

The prohibitory law of 1855 gave you this power in its fullness, and the highest court in our State declared it to be unconstitutional upon *that point*—"the destruction of the liquor,"—on which you had based all your hopes.

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They were unmindful of the great truth, that by this mode of eradicating *one evil*, they were perpetrating *another*, and almost a greater one, against the constitutional rights of the people, and bringing the laws of the land into public contumely.

I warned you then, as I warn you now, that we have nothing to hope from the *law of the land*, and that the crowning act of our triumphant labors will be found *only* in the *law of the heart*.

The souls of all right-thinking philanthropists have been penetrated with the grievous truth that no prohibitory law can suppress intemperance. We all remember that glorious "Washingtonian" era in our history. There were in those days men whose tongues God had touched with the fire of his love; and in tones of loving kindness they *persuaded* the drunkard from the evil of his ways, and restored him to sobriety and to the bleeding hearts of his family and his country. How was this spirit of evangelism grieved away? Prohibition came, with the filthy odor of politics, and blighted the efforts of these holy men. Their voices ceased in our land, and drunkenness prevailed an hundred fold.

It was in the midst of this melancholy review of the past, that philanthropists were led to the solemn inquiry, "What *now* shall we do to heal the nation of drunkenness?"

Again, another effort was made to suppress Intemperance by the Excise Law (as it is termed) of 1857. This law is looked upon in the city of New York as partial, oppressive, and impracticable. It is partial—because it may be complied with in the rural districts, and cannot be complied with in the city. In an election district in the country there reside freeholders enough to sign the petitions for a sufficient number of taverns for the necessities of the place; while in the large cities of the State, and particularly in the city of New York,

there are not freholders enough residing in the district to obtain a license. It is a fact, that in one election district, in the city of New York, there are not enough inhabitants to comply with the number of signatures required by law. In the lower wards of this city, where men of business stay almost the entire day, far from their homes, a single license could not be obtained if a sharp and technical construction of the Excise Law prevailed. This it is said is partial and oppressive, and the effect of it will be perceived when we seek to enforce the law by the process of our civic courts, and by the verdicts of juries. These are simple facts in relation to the *operation* of this law in our city, and facts which the most common minds perceive; and the *jurors* who are called to pass upon the violators by their verdicts, recognize them as oppressive, and on that ground stand up between the violator and the law.

The result is that the moral sense of the city is against the law, and as it cannot be enforced by the verdict of a jury, it becomes inoperative, and impracticable.

It is not my duty at this time to enumerate the defects of the present Excise Law. Experience, founded upon the result of its operation, is the strongest argument against it. It proceeds upon a principle antagonistical to the *license* theory; and is partially, in spirit and in fact, a prohibitory law.

And now, at this moment, with this fact staring us in the face, the friends of Temperance are called upon for their political aid to elect GERRIT SMITH, Governor of the State of New York, on the platform of a "prohibitory law." I do not ask you to vote against him, for we all know he cannot be elected. The conflict lies between two great political parties, who are exalted to the fierceness and rapture of the strife by the most momentous of issues.

I only desire to ask you the question,—Are we again to be dragged into the political arena, and our holy cause to be made the pastime and plaything of politicians?

There is a fascination in this call which impels me to warn you energetically and fearlessly.

It is in the spotless name of Gerrit Smith, who has stood like a Saul in our midst, and who has right valiantly borne the brunt of many a battle in the cause of humanity. If he were a professional politician, I know that you would have weighed him in the balance of the *past*, and cast him away as naught. But the soul-stirring eloquence of his almost inspired voice, always raised clarion-toned for God and humanity; and the purity of his life, which clothes him with a halo of loveliness, almost silence me from the stern necessity which is upon me to warn you against the prohibiting doctrines which he has pronounced.

The convention which nominated him proclaimed prohibition a plank in its political platform, and Mr. Smith, by his acceptance, publicly and distinctly reiterated the doctrine in the intense rhetorical energy of the question, “*What* could not a prohibitory governor do?” But what stronger expressions are needed to give greater distinctness to his doctrine than we have in his answer of the 4th of September, 1858, to the letter of J. L. Hatch, who put to him this question:

“We also desire to know if we understand you rightly as viewing the absolute prohibition and destruction of liquors as nuisances, to be applicable only to those villainous compounds so generally sold now-a-days for brandy, wine, &c., and not to a pure article. Is it your view that, while the fearful injury which men unwittingly do themselves and the community by partaking of these poisonous, deceptive, maddening mixtures, sold under false pretences as genuine brandy, wine, &c., should be

forcibly prevented by 'the strong arm of the law,' it should be left to moral suasion to deter men from the use of pure alcoholic drink as a beverage?"

This question was asked in connection with one in relation to the Sabbath. Here is his answer in full.

"PETERBORO,' Sept. 4, 1858.

"Mr. J. H. HATCH :

"*Dear Sir,*—I much regret this delay in answering your esteemed letter; and even now I can write you but a few hurried lines. I am from home nearly all the time, attending political meetings; and when I return home I find myself buried up in letters.

"*First,*—I am emphatically a Sabbath man, but I am opposed to all legislation in behalf of the Sabbath. With me the province of civil government is very narrow. Its sole office is to protect person and property. It is not to undertake to help the cause of religion, or education, or temperance.

"*Second,*—Nothing more than maddening—periling life and property. But the dram-shop is the great manufactory of madmen. Hence I would have Government shut up the dram-shop. In other words, I would have Government suppress the sale for a drink of all maddening liquors. I send you a copy of my letter of acceptance.

"Very respectfully your friend,

"GERRIT SMITH."

We all understood the meaning of the word "Prohibition," as presented in the law of the 9th March, 1854, and the law of the 11th of April, 1855, but in this letter Mr. Smith carries his definition to a greater extent.

Yet there is something very strange in the first proposition of this letter. He could not have selected terms more energetic and precise to express his *disapprobation*

of all law on these three great questions. And then how strange it sounds in the next sentence to hear him say that he "would have *government* shut up the dram shop, and suppress the sale for a drink of all maddening liquors"; but I do not desire to analyze his words.

Prohibition, *by law*, of the sternest and strongest kind, is his theme.

Now, with the sad review of the past, are we prepared to carry out his doctrines? Should we not pause and see if we have not a greater hope in a well-devised *license law*, which will *suppress* intemperance, by *regulating* the sale of liquor. This law must be based upon a *concession*, for there is great diversity of views on this question.

There are many intelligent minds, who, although they deprecate the abuse of liquor arising from its indiscriminate sale, yet seriously doubt the constitutional right of the State to select its vendors, as a special class, from our citizens, to pay a revenue for the right to carry on a business, the chief element of which is recognized as a lawful article of commerce, and which already pays a revenue into the Treasury of our Federal Government. The concession yielded by this class of thinkers is on the ground of public policy, and that the *license scheme* can be used as a means to suppress intemperance, by regulating the sale of liquor.

The theory of a new license law should be one of pecuniary policy. It is admitted that the unregulated sale and abuse of liquor is the major cause of crime and pauperism; and it has been often suggested, that the *vendors* should contribute a major share, by fixing the license at a sufficient sum which would make "one hand wash the other." Although this, as a principle, is not sound, yet those whom it will affect, I have no doubt, will accede to its operation. *Now*, the severity of the law drives all classes of dealers in liquor into a confedera-

tion for the purpose of self-defence ; but a well-devised license system will incite the respectable class of dealers to draw a line between themselves and the unscrupulous, who sell without regard to consequence, or decency, and compel the latter to observe the law. If we continue to enforce temperance by law, we must fail. If, on the other hand, we carefully devise a *license system*, adapted to the commercial conditions of the people of each city, and locality, we can suppress intemperance in a greater degree than we can by prohibition. I believe that our only hope lies in this, for I am satisfied that prohibition cannot be enforced in the city of New York.

There is danger to the cause of humanity by pressing the doctrine of *enforcing temperance by law*. We have a startling precedent before us. A sincere and voluntary reverence for the Sabbath has always distinguished our people, until within a short time, when the over-zealous would enforce by law a greater regard for it. And now the real friends of the Sabbath look with intense solicitude and fearful apprehension to the decision of these questions by the highest federal tribunal of our country ; whether or not, the Constitution of the United States recognizes other than a voluntary belief in the existence of a God, and a voluntary observance of the Sabbath ; and whether or not, that instrument was drawn only in reference to our political rights, and had no regard to our immortal wants. A decision, ignoring these eternal truths, would indeed be a great national calamity. We must leave man to his free agency. It is no good reason, because one man shall abuse this great national right, that others shall be deprived of its proper enjoyment.. No one can tell where this doctrine would lead us.

The tendency of all moral legislation is to diverge from the strict line of constitutional law. In the language of Junius: "One precedent creates another." They soon accumulate and constitute law. What yes-

terday was fact, to-day is doctrine. Examples are supposed to justify the most dangerous measures, and where they do not suit exactly, the defect is supplied by analogy. Be assured that the laws which protect us in our civil rights, grow out of the Constitution, and they must fall or flourish with it."

The moral legislator commences with the ethical, and then regulates the *physical* condition of man. He says the interests and well-being of society require that the physical condition of man should be preserved by a code which will develop the health and strength of each member of society, and thus give the nation the fullness of his physical force. We are forbidden, by this code, from all the blessings of Heaven, on the ground that they are *luxuries* which enervate the mind and body; and this moral censor, like a guardian angel, hovers around the canopy of the bridal couch, and by the gentle tappings of his wand, limits the thrilling and physical extacies of connubial bliss.

I beg leave to submit to you the project of a law, which if framed in apt and proper legislative expressions, and with regard to the views of the statesman, the taxpayer and philanthropist will, in my opinion, attain the true interest of humanity.

First.—Let a license be granted to every applicant who shall pay a uniform sum to be fixed by the Supervisors of each county, and the amount thus received by the commissioners shall be paid to the overseers of the poor of each county, and applied to the expenses of the criminals and paupers thereof.

He who shall sell liquor without a license shall be fined a sum equal to the license fee for each offence, and if he fail to pay the same, he shall be imprisoned until discharged by the overseers of the poor.

Every license shall express the conditions upon which it is granted.

First.—That the licensee shall not sell liquor to an habitual drunkard—to a drunken man or woman—to a minor under the age of — years ; or between the hours of 12 o'clock, A. M., and 3 o'clock, A. M., unless in case of sickness ; or on Sunday in a public manner ; or within one mile of a military, political, or religious meeting, when the same shall be held beyond a mile from a licensed place.

Let a fine be imposed for every violation of these conditions, and, on a failure to pay, revoke the license.

Let the adulteration of liquor be a high offence, and punished with an equal severity with other heinous crimes.

As it is a known fact, and one that should be made available, that *lager bier* creates a distaste for spirituous liquors ; let it, together with home-brewed ale and wines of our country, when free from adulteration and poisonous ingredients, be sold without a license.

These are the principal features of a license law which could be enforced.

Let the officers of the law, according to their grades, be compelled to enforce it ; and if a policeman make a complaint, and the fine shall be collected, one-quarter of it shall go to the fund for the widows and orphans of policemen.

If a citizen makes a complaint, let the penalty go to the Inebriate Asylum, and thus cut off all informations made for private interest.

Let ample provision be made for the payment of the legal officers, whose duty it shall be, and whose interests shall incline them energetically to enforce this law. This is an all important point.

This, in all probability, is the last time I shall ever address you. I am fast passing away from the scenes of that active life upon which many of you, full of youth and energy, are just entering.

Now, I beseech you, in the name of God and humanity, to solemnly consider for yourselves the questions of prohibition, and a well-regulated license system.

I have no ambition to direct your minds. I only humbly beg you to consider the great question: How shall we build a wall of protection around the unfortunate inebriate? How shall we save the rising generation from the horrors of drunkenness? What hope does the past give us in prohibition? And let me ask, if our only remaining hope is not, without the aid of the laws of the State, in the moral and continual efforts of the philanthropist, and by the energies of the law of the heart?

WM. JAY HASKETT.

NEW YORK,
September 30th, 1858.

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